

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOSE ORRACA,

Plaintiff,

vs

9:05-CV-1305

C.O.R. PILATICH; C.O. RIOS; C.O. LaFORGE;
C.O.R. KLEISTER; and C.O. VELEZ,

Defendants.

APPEARANCES:

OF COUNSEL:

JOSE ORRACA
Plaintiff, Pro Se93-A-9300
Southport Correctional Facility
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Pine City, NY 14871

HON. ANDREW M. CUOMO
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DOUGLAS J. GOGLIA, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Jose Orraca, brought this civil rights action pursuant to 42 U.S.C. § 1983. In a Report Recommendation dated August 28, 2008, the Honorable George H. Lowe, United States Magistrate Judge, recommended that defendants' motion for partial summary judgment be granted and that plaintiff's claims against defendants Rios, LaForge, and Valez be dismissed with prejudice. Objections to the Report Recommendation have been filed by the plaintiff.

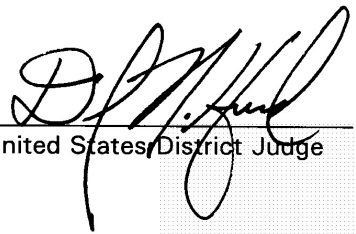
Based upon a de novo review of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for partial summary judgment is GRANTED;
2. Plaintiff's claims against defendants C.O. Rios, C.O. LaForge, and C.O. Valez are DISMISSED with prejudice; and
3. Remaining for trial are plaintiff's claims against C.O. R. Pilatich and C.O. R. Kleister.

IT IS SO ORDERED.



United States District Judge

Dated: September 24, 2008
Utica, New York.